

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

JONES et al.,

Plaintiffs,

v.

VARSITY BRANDS et al.,

Defendants.

Case No. 2:20-cv-02892-SHL-cgc

**JOINT MOTION TO EXTEND DEFENDANTS' DEADLINE TO RESPOND TO
AMENDED COMPLAINT AND SET BRIEFING SCHEDULE**

The undersigned Parties, through their respective counsel of record, move the Court to extend the deadlines for Defendants to respond to Plaintiffs' Amended Complaint Class Action (the "Amended Complaint") to October 27, 2023, and to extend Plaintiffs' deadline to respond to any motions to dismiss filed in response to the Amended Complaint to November 27, 2023. In support of this motion, the Parties states as follows:

1. On September 15, 2023, Plaintiffs filed their Responses in Opposition to Defendants' Motions for Summary Judgment. [ECF Nos. 477 – 485.]
2. The movant's deadline to file replies in support of their Motions for Summary Judgment is October 13, 2023. [ECF No. 371.]
3. On September 20, 2023, the Court entered its Order Granting in Part and Denying in Part Indirect Purchasers' Motion for Leave to Amend. [ECF No. 175].
4. Plaintiffs filed the Amended Complaint Class Action (the "Amended Complaint") on September 27, 2023. [ECF No. 489.]
5. The existing Defendants' deadline for responding to the Amended Complaint is October 11, 2023. Fed. R. Civ. P. 15(a)(3). Based on service dates, the new Defendants' deadline for responding to the Amended Complaint is October 20, 2023. Fed. R.. Civ. P. 12(A)(1)(a)(i). In light of the pending deadline to file replies in support of their Motions for Summary Judgment, Defendants seek additional time to evaluate and respond to the Amended Complaint.
6. The Parties request that the deadline for all Defendants to respond to the Amended Complaint be extended to October 27, 2023.
7. The Parties request further that Plaintiffs' deadline to respond to any motions to dismiss that are filed in response to the Amended Complaint be extended to November 27, 2023.

8. The requested extension of these deadlines will not impact any other deadlines in the current Scheduling Order, including the trial date.

9. All Parties consent to the relief requested in this Motion.

WHEREFORE, the Parties respectfully move this Court to extend the deadline for all Defendants to respond to the Amended Complaint to October 27, 2023, and to extend Plaintiffs' deadline to respond to any motions to dismiss that are filed in response to the Amended Complaint to November 27, 2023.

The undersigned hereby certifies that on October 9 – 10, 2023, pursuant to Local Rule 7.2(a)(1)(B), the Parties consulted regarding the issues raised in this motion, and all Parties consent to the relief requested.

A proposed order granting the Joint Motion to Extend Defendants' Deadline to Respond to Amended Complaint and Set Briefing Schedule is being emailed to Judge Lipman.

Dated: October 10, 2023

By: /s/ Joseph R. Saveri

Joseph R. Saveri*
Steven N. Williams*
Ronnie Seidel Spiegel*+
David Seidel*
Kevin Rayhill*
JOSEPH SAVERI LAW FIRM, LLP
601 California Street, Suite 1000
San Francisco, California 94108
Telephone: (415) 500-6800
Facsimile: (415) 395-9940
jsaveri@saverilawfirm.com
swilliams@saverilawfirm.com
krayhill@saverilawfirm.com
rspiegel@saverilawfirm.com
dseidel@saverilawfirm.com

Van Turner (TN Bar No. 22603)
BRUCE TURNER, PLLC
2650 Thousand Oaks Blvd., Suite 2325
Memphis, Tennessee 38118
Telephone: (901) 290-6610
Facsimile: (901) 290-6611
Email: vturner@bruceturnerlaw.net

Richard M. Paul III*
Sean R. Cooper*
Ashlea Schwarz*
PAUL LLP
601 Walnut, Suite 300
Kansas City, Missouri 64106
Telephone: (816) 984-8100
rick@paulllp.com
sean@paulllp.com
ashlea@paulllp.com

Jason S. Hartley*
HARTLEY LLP
101 West Broadway, Suite 820
San Diego, CA 92101
Telephone: (619) 400-5822
hartley@hartleyllp.com

Daniel E. Gustafson*
Daniel C. Hedlund*
Daniel J. Nordin*
GUSTAFSON GLUEK PLLC
Canadian Pacific Plaza
120 South Sixth Street, Suite 2600
Minneapolis, MN 55402
Telephone: (612) 333-8844
Facsimile: (612) 339-6622
dgustafson@gustafsongluek.com
dhedlund@gustafsongluek.com
dnordin@gustafsongluek.com

*Attorneys in the Jones Action for Individual and
Representative Plaintiffs*

** Admitted pro hac vice*

+ Located in Washington State

Dated: October 10, 2023

By: /s/ Steven J. Kaiser

George S. Cary*
Steven J. Kaiser*
CLEARY GOTTLIEB STEEN & HAMILTON LLP
2112 Pennsylvania Ave., NW
Washington, DC 20037
Tel: (202) 974-1500
gcary@cgsh.com
skaiser@cgsh.com

Jennifer Kennedy Park*
Heather Nyong'o*
CLEARY GOTTLIEB STEEN & HAMILTON LLP
1841 Page Mill Road, Suite 250
Palo Alto, CA 94304
Phone: (650) 815-4100
Fax: (202) 974-1999
jkpark@cgsh.com
hnyongo@cgsh.com

* Admitted *pro hac vice*

Matthew S. Mulqueen (TN #28418)
Adam S. Baldridge (TN #23488)
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC
165 Madison Ave., Suite 2000
Memphis, TN 38103
Tel: (901) 577-8166
abaldridge@bakerdonelson.com
mmulqueen@bakerdonelson.com

*Attorneys for Varsity Brands, LLC; Varsity Spirit,
LLC; Varsity Spirit Fashions & Supplies, LLC;
Charlesbank Capital Partners, LLC; and Bain Capital
Private Equity, LP*

Dated: October 10, 2023

By: /s/ Nicole Berkowitz Riccio

Grady Garrison (TN 8097)
Nicole Berkowitz Riccio (TN #35046)
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC
165 Madison Ave., Suite 2000
Memphis, TN 38103
Tel: (901) 577-8166
ggarrison@bakerdonelson.com
nberkowitz@bakerdonelson.com

Attorneys for U.S. All Star Federation, Inc.

Dated: October 10, 2023

By: /s/ Brendan P. Gaffney

Paul E. Coggins*
Brendan P. Gaffney*
Katherine Wright*
LOCKE LORD LLP
2200 Ross Avenue, Suite 2800
Dallas, TX 75201
Phone: (214) 740-8000
Fax: (214) 740-8800
pcoggins@lockelord.com
bgaffney@lockelord.com
katherine.wright@lockelord.com

* Admitted *pro hac vice*

Edward L. Stanton III (TN Bar #018904)
BUTLER SNOW LLP
6075 Poplar Avenue, Suite 500
Memphis, Tennessee 38119
Telephone: (901) 680-7336
Facsimile: (901) 680-7201
Edward.Stanton@butlersnow.com

Attorneys for Jeff Webb